IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

Bail Appl..No. 4596 of 2007()

CMP.5526/2007 of J.M.F.C.-I,KOTTARAKKARA
CRIME NO. 1129/2006 of MOTTARAKARA POLICE STATION

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PETITIONERS/ACCUSED 2 & 3

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1. SUDHEESH KUMAR, AGED 26 YEARS,
   S/O SIVASANKARA PILLAI,
   POOVANATHUMVILA VEEDU, ANDOOR MURI,
   VALAKOM VILLAGE.

2. SAJESH KUMAR, AGED 24 YEARS,
   S/O SIVASANKARA PILLAI,
   POOVANATHUMVILA VEEDU, ANDOOR MURI,
   VALAKOM VILLAGE.

BY ADV. SRI.DINESH MATHEW J.MURICKEN
SRI.P.V.BALAKRISHNAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
DETECTIVE INSPECTOR, CBCID, SIG-I, CFS,
THIRUVANANTHAPURAM, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY ADV. SRI. S.U. NAZER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/07/2007, ALONG WITH BA NO.4597 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.Nos. 4596 & 4597 of 2007

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Dated this the 31st day of July, 2007

ORDER

The common petitioners are accused 1 and 2 in Crime No.1164/06 of Kottarakara Police Station registered, inter alia, under Sections 326 and 307 IPC and accused 2 and 3 in crime No.1129/06 of Kottarakkara Police Station for offences punishable, inter alia, under Sec.489A IPC.

2. The crux of the allegations against the petitioners in crime NO.1164/2006 is that on 14.11.06 the petitioners along with co-accused attacked the defacto complainant with dangerous weapons and caused injuries to him. The petitioners have been arrested and they remain in custody from 26.06.07 in that crime.

3. In Crime No.1129/06 the crux of the allegations against the petitioners is that with the intention of falsely implicating the defacto complainant, the petitioners had allegedly obtained counterfeit currency notes and explosives and kept them in the boot of the car of the defacto complainant. The petitioners were arrested in that crime on 19.6.07 and continue in custody from that day.

4. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer on condition that the Investigating Officer is given some further time to complete the investigation and I am satisfied that regular bail can be granted to the petitioners subject to appropriate and strict conditions.

5. In the result, this petition is allowed. The petitioners shall be released on bail on the following terms and conditions:

i) The petitioners shall not be released from custody on the strength of this order prior to 06 .08. 2007. The Investigating Officer shall, in the meantime, make every endeavour to complete the investigation.

ii) They shall execute bonds for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the Investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months

from the date of their release. Thereafter, they shall make themselves available for interrogation as and when directed by the investigating officer in writing to do so.

iv) The petitioners shall not enter the jurisdiction of Kottarakkara Police Station in the said period of three months except for complying with condition No.iii above.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE